



City of NORFOLK

C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

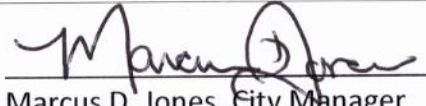
August 25, 2015

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Special exception for the operation of an eating and drinking establishment at 131 Granby Street, Suite A – Jack Brown's Beer and Burger Joint**

Reviewed: 
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 2/6

Approved: 
Marcus D. Jones, City Manager

Item Number: **R-9**

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** Special exception – eating and drinking establishment.
- IV. **Applicant:** Jason Owenby
- V. **Description:**
This request is to replace a portion of the existing restaurant, Mo and O'Malley's Irish Pub, with a new establishment serving alcoholic beverages for on-premises consumption.

	Previous (Mo and O'Malley's)	Proposed (Jack Brown's)
Hours of Operation and for the Sale of Alcoholic Beverages	7:00 a.m. until 2:00 a.m., Monday through Saturday Closed Sunday	11:00 a.m. until 2:00 a.m., Seven days a week
Capacity	99 seats indoors 0 seats outdoors 120 total capacity	40 seats indoors 8 seats outdoors 54 total capacity

Staff point of contact: Chris Whitney at 823-1253, chris.whitney@norfolk.gov

Attachments:

- Staff Report to CPC dated July 23, 2015 with attachments
- Proponents and Opponents
- Ordinance



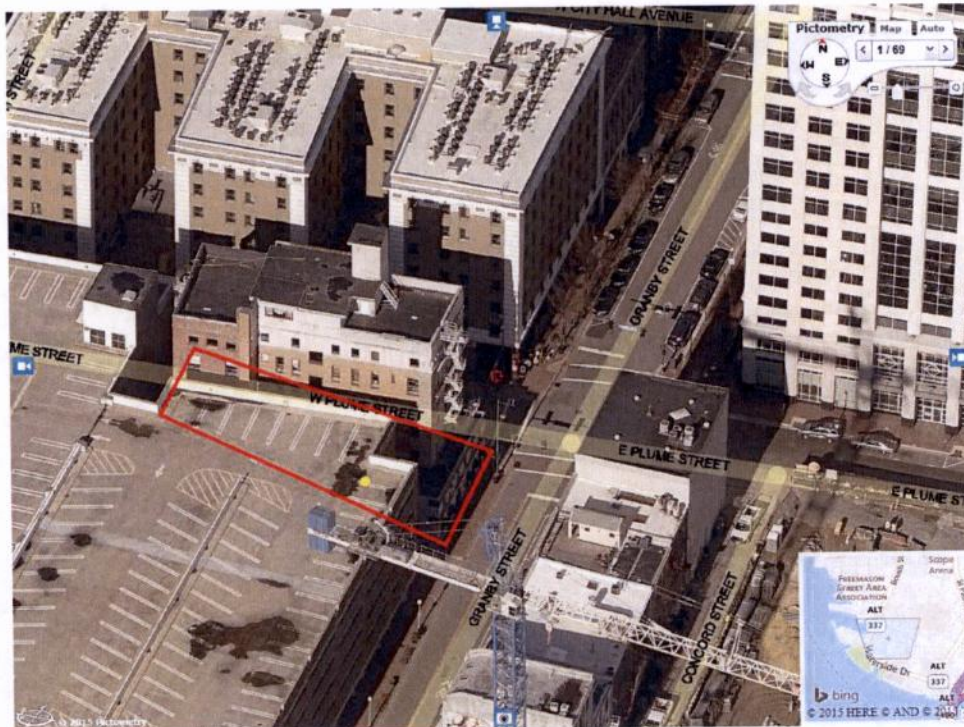
City of NORFOLK

Planning Commission Public Hearing: July 23, 2015

Executive Secretary: George M. Homewood, AICP, CFM

Staff Planner: Chris Whitney, CFM

Staff Report	Item No. 6	
Address	131 Granby Street, Suite A	
Applicant	Jack Brown's Beer and Burger Joint	
Request	Special Exception	Eating and Drinking Establishment
Property Owner	Frank T. Gadams	
Site Characteristics	Site Area/Space	1,600 square feet
	Zoning	D-2 (Downtown Regional Center) and HO-D (Downtown Historic Overlay)
	Neighborhoods	Downtown
	Character District	Downtown
Surrounding Area	North	D-2: The Law Building
	East	D-2: Jimmy John's
	South	D-2: Sail Norfolk
	West	D-2: W. Plume Street Garage



A. Summary of Request

This request is to replace a portion of the existing restaurant, Mo and O'Malley's Irish Pub, with a new establishment serving alcoholic beverages for on-premises consumption.

B. Plan Consistency

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as downtown.

C. Zoning Analysis

i. General

- The site is located in the D-2 and HO-D districts, which permits the proposed use by special exception.

	Previous (Mo and O'Malley's)	Proposed (Jack Brown's)
Hours of Operation and for the Sale of Alcoholic Beverages	7:00 a.m. until 2:00 a.m., Monday through Saturday Closed Sunday	11:00 a.m. until 2:00 a.m., Seven days a week
Capacity	99 seats indoors 0 seats outdoors 120 total capacity	40 seats indoors 8 seats outdoors 54 total capacity

- Special Exception history:

City Council Approval	Applicant	Request
2003	Mo and O'Malley's Irish Pub	Entertainment establishment
Pending	Jack Brown's Beer and Burger Joint	<ul style="list-style-type: none">• Eating and drinking establishment• New owner/operator

ii. Parking

The site is located within the D-2 zoning district, which does not require off-street parking.

iii. Flood Zone

The property is located in the X (Shaded) Flood Zone, which is a low-risk flood zone.

D. Transportation Impacts

Institute of Transportation Engineers figures estimate that this restaurant will generate 285 fewer vehicle trips per day by decreasing total indoor seating at this location by 59 seats below currently approved levels.

E. Impact on the Environment

There are currently no opportunities for landscaping site improvements to this existing building.

F. Impact on Surrounding Area/Site

- The applicant has submitted an application to the Architectural Review Board for modifications to the north and east façades as well as interior changes to support the proposed exterior renovations.
- By requiring this use to conform to the conditions listed below, the proposed eating and drinking establishment should not have a negative effect on the surrounding neighborhood nor the proposed apartments above the establishment.

G. Payment of Taxes

The owner of the property is current on all real estate taxes.

H. Civic League

The application was sent to the Downtown Norfolk Civic League and Downtown Norfolk Council on June 10.

I. Communication Outreach/Notification

- Legal notice was posted on the property on June 16.
- Letters were mailed to all property owners within 300 feet of the property on July 10.
- Legal notification was placed in *The Virginian-Pilot* on July 9 and July 16.

J. Recommendation

Staff recommends that the special exception request be **approved** subject to the conditions shown below:

- (a) The hours of operation for the establishment and for the sale of alcoholic beverages shall be from 11:00 a.m. until 2:00 a.m., seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The seating for the establishment shall not exceed 40 seats indoors, 8 seats outdoors, and the total occupant capacity, including employees, shall not exceed 54 people. The use authorized by this special exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.

- (c) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (d) The establishment shall maintain a current, active business license at all times while in operation.
- (e) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (f) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (g) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (h) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (i) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (j) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or

by Virginia law.

- (k) There shall be no entertainment, no dancing, and no dance floor provided.
- (l) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (m) A copy of this special exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Attachments:

Location Map

Zoning Map

1000' radii map of similar ABC establishments

Application

Notice to the Downtown Norfolk Civic League and Downtown Norfolk Council

Proponents and Opponents


Proponents

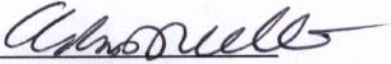
None

Opponents

None

07/21/2015

Form and Correctness Approved: 

By 
Office of the City Attorney

NORFOLK, VIRGINIA

Contents Approved: 

By 
DEPT.

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN EATING AND DRINKING ESTABLISHMENT KNOWN AS "JACK BROWN'S BEER AND BURGER JOINT" ON PROPERTY LOCATED AT 131 GRANBY STREET, SUITE A.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Jack Brown's Norfolk, LLC authorizing the operation of an eating and drinking establishment named "Jack Brown's Beer and Burger Joint" on property located at 131 Granby Street, suite A. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 51 feet, more or less, along the western line of Granby Street and 112 feet, more or less, along the southern line of West Plume Street; premises numbered 131 Granby Street, suite A.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the establishment and for the sale of alcoholic beverages shall be limited to 11:00 a.m. until 2:00 a.m. the following morning, seven days per week. No use of the establishment outside of the hours of operation listed herein is permitted.
- (b) The seating for the establishment shall not exceed 40 seats indoors, 8 seats outdoors, and the total occupant capacity, including employees, shall not exceed 54 people.
- (c) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the

Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.

- (d) The establishment shall maintain a current, active business license at all times while in operation.
- (e) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (f) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (g) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (h) A menu shall be provided containing an assortment of foods which shall be made available at all times the restaurant is open. A food menu and full dining service shall be available at the bar.
- (i) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator, or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of

this ordinance, the conditions of this ordinance shall govern.

- (j) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (k) There shall be no entertainment, no dancing, and no dance floor provided.
- (l) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (m) A copy of this Adult Use Special Exception ordinance and Exhibits shall be available on site at all times for inspection, and a notice indicating that this Adult Use Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not

substantially diminish or impair the value of the property within the neighborhood in which it is located;

- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:

Exhibit A (3 pages)



EXHIBIT "A"
Description of Operations
Eating and Drinking Establishment

Date 6/7/15

Trade name of business JACK BROWN'S BEER AND BURGER JOINT

Address of business 131 A Granby St Norfolk 23510

Name(s) of business owner(s)* JACK BROWN'S NORFOLK, LLC

Name(s) of property owner(s)* 131 Granby LLC

Daytime telephone number (757) 627-9873

*If business or property owner is partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

<u>Facility</u>	<u>Alcoholic Beverage Sales</u>
Weekday From <u>11 AM</u> To <u>2 AM</u>	Weekday From <u>11 AM</u> To <u>2 AM</u>
Friday From <u>11 AM</u> To <u>2 AM</u>	Friday From <u>11 AM</u> To <u>2 AM</u>
Saturday From <u>11 AM</u> To <u>2 AM</u>	Saturday From <u>11 AM</u> To <u>2 AM</u>
Sunday From <u>11 AM</u> To <u>2 AM</u>	Sunday From <u>11 AM</u> To <u>2 AM</u>

2. Type of ABC license applied for (check all applicable boxes)

☒ On-Premises ☐ Off-Premises (additional application required)

3. Type of alcoholic beverage applied for

☒ Beer ☒ Wine ☒ Mixed Beverage

4. Will indoor or outdoor entertainment be provided?

(Entertainment consists of anything more than one, unamplified musician)

☐ Yes (Different application required) ☒ No

Exhibit A – Page 2
Eating and Drinking Establishment

5. Will video games, pool tables, game boards or other types of games be provided?
€ Yes (If more than 4, additional application required) ☒ No

5a. If yes, please describe type and number of each game to be provided

6. Will patrons ever be charged to enter the establishment?
€ Yes ☒ No

6a. If yes, why

- 6b. Which days of the week will there be a cover charge (circle all applicable days)?

Monday Tuesday Wednesday Thursday Friday

Saturday Sunday

7. Will the facility or a portion of the facility be available for private parties?
€ Yes ☒ No

7a. If yes, explain

8. Will a third party (promoter) be permitted to lease, let or use the establishment?
€ Yes ☒ No

8a. If yes, explain

9. Will there ever be a minimum age limit?

☒ Yes

☒ No

PHH

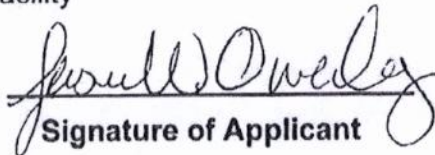
Exhibit A – Page 3

Eating and Drinking Establishment

10. Additional comments/ description/operational characteristics or prior experience:

6 locations, 2 in Virginia - Harrisonburg
and Richmond.

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility


Signature of Applicant

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January 2015)

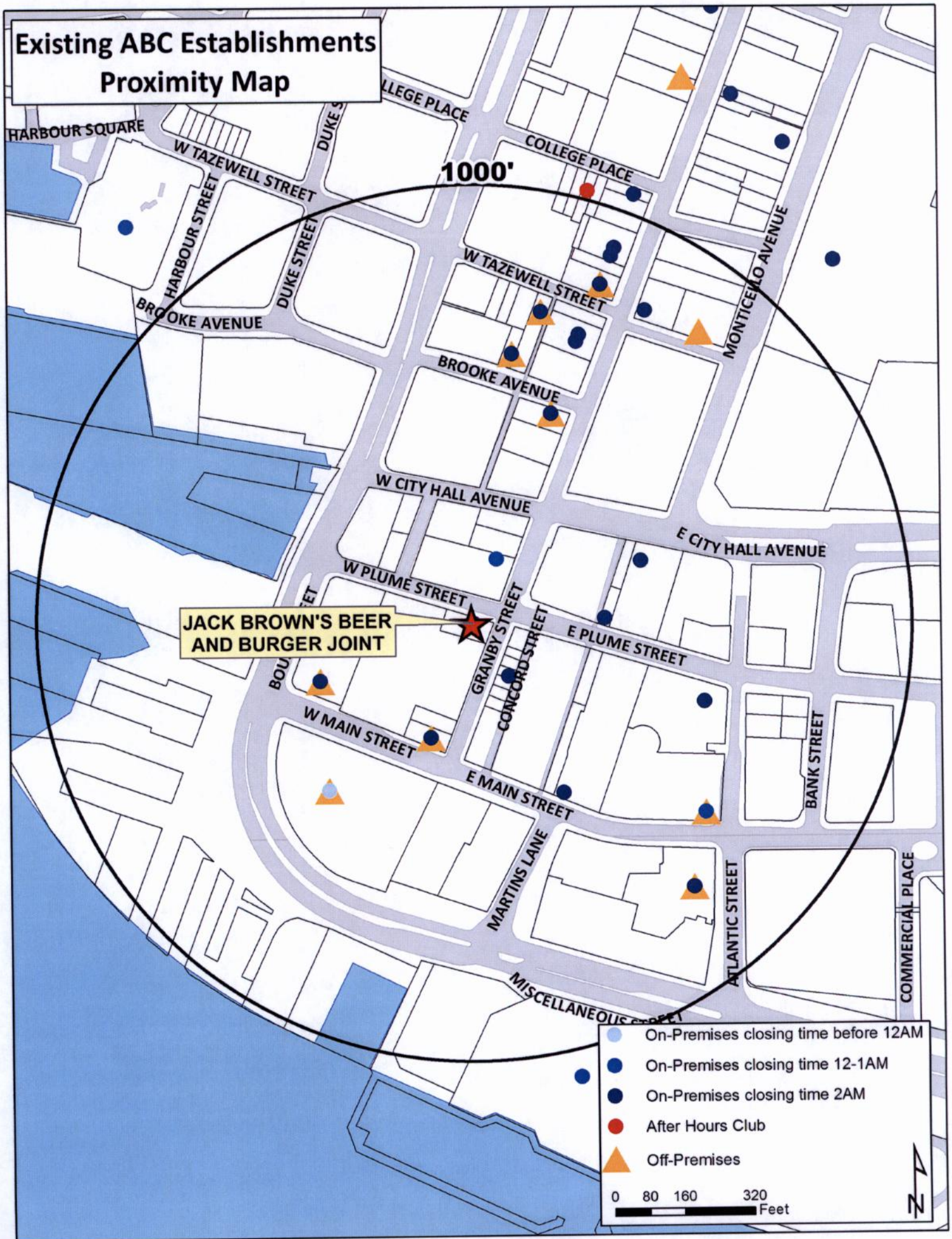
Location Map



Zoning Map



Existing ABC Establishments Proximity Map





**APPLICATION
ADULT USE SPECIAL EXCEPTION
EATING AND DRINKING ESTABLISHMENT
(Please print)**

Date 6/8/15

DESCRIPTION OF PROPERTY

Address 131A Granby St Norfolk 23510

Existing Use of Property Restaurant

Proposed Use Restaurant

Current Building Square Footage 2600

Proposed Building Square Footage 1600

Trade Name of Business (if applicable) JACK BROWN'S BEER AND BURGERS JOINT

APPLICANT

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

JACK BROWN'S NORFOLK, LLC

1. Name of applicant: (Last) OWENBY (First) JASON (MI) W

Mailing address of applicant (Street/P.O. Box): 2151 OLD ROCKY RIDGE ROAD, SUITE 100

(City) BIRMINGHAM (State) AL (Zip Code) 35216

Daytime telephone number of applicant (770) 843-7126 Fax () _____

E-mail address of applicant: jason@jackbrownsjoint.com

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January 2015)

**Application
Eating and Drinking Establishment
Page 2**

AUTHORIZED AGENT (if applicable)

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) HENN (First) RICHARD (MI) J

Mailing address of applicant (Street/P.O. Box): 1400 GRANGEY UNIT 407

(City) NORFOLK (State) VA (Zip Code) 235

Daytime telephone number of applicant (757) 615-6905 Fax () _____

E-mail address of applicant: _____

PROPERTY OWNER

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: (Last) Gedams (First) Frank (MI) T

Mailing address of property owner (Street/P.O. box): P.O. Box 11659

(City) Norfolk (State) VA (Zip Code) 23517

Daytime telephone number of owner (757) 627-9873 email: Bgedams@marathondevelopmentgroup.com

CIVIC LEAGUE INFORMATION

Civic League contact: _____

Date(s) contacted: _____

Ward/Super Ward information: _____

REQUIRED ATTACHMENTS

- Required application fee, **\$355.00** (if check, make payable to the City of Norfolk).
 - Application fee includes a non-refundable \$5 technology surcharge.
- One 8½ inch x 11 inch copy of a floor plan prepared by a registered design professional drawn to scale showing seats/tables, restroom facilities, bar, ingress and egress, standing room, outdoor dining and total maximum capacity (see attached example)
- One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
 - Existing and proposed building structures
 - Driveways
 - Parking
 - Landscaping
 - Property lines (see attached example)
- One 8 ½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.
- Completed Exhibit A, Description of Operations (attached)

CERTIFICATION

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Fran G Adams Sign: [Signature] 6/8/2015
(Property Owner or Authorized Agent of Signature) (Date)

Print name: JASON OWENBY Sign: [Signature] 6/17/15
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: Rick Hearn Sign: [Signature] 6/8/15
(Authorized Agent Signature) (Date)

Exhibit A – Floor Plan(s) Worksheet
Eating and Drinking Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan must be prepared by a registered design professional and include:
 - Tables/seats
 - Restroom facilities
 - Bar
 - Ingress and egress
 - Standing room
 - Outdoor seating
 - Total maximum capacity (including employees)

Total capacity

a. Indoor

Number of seats (not including bar seats) 20

Number of bar seats 20

Standing room

b. Outdoor

Number of seats 8

c. Number of employees

6

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = 54

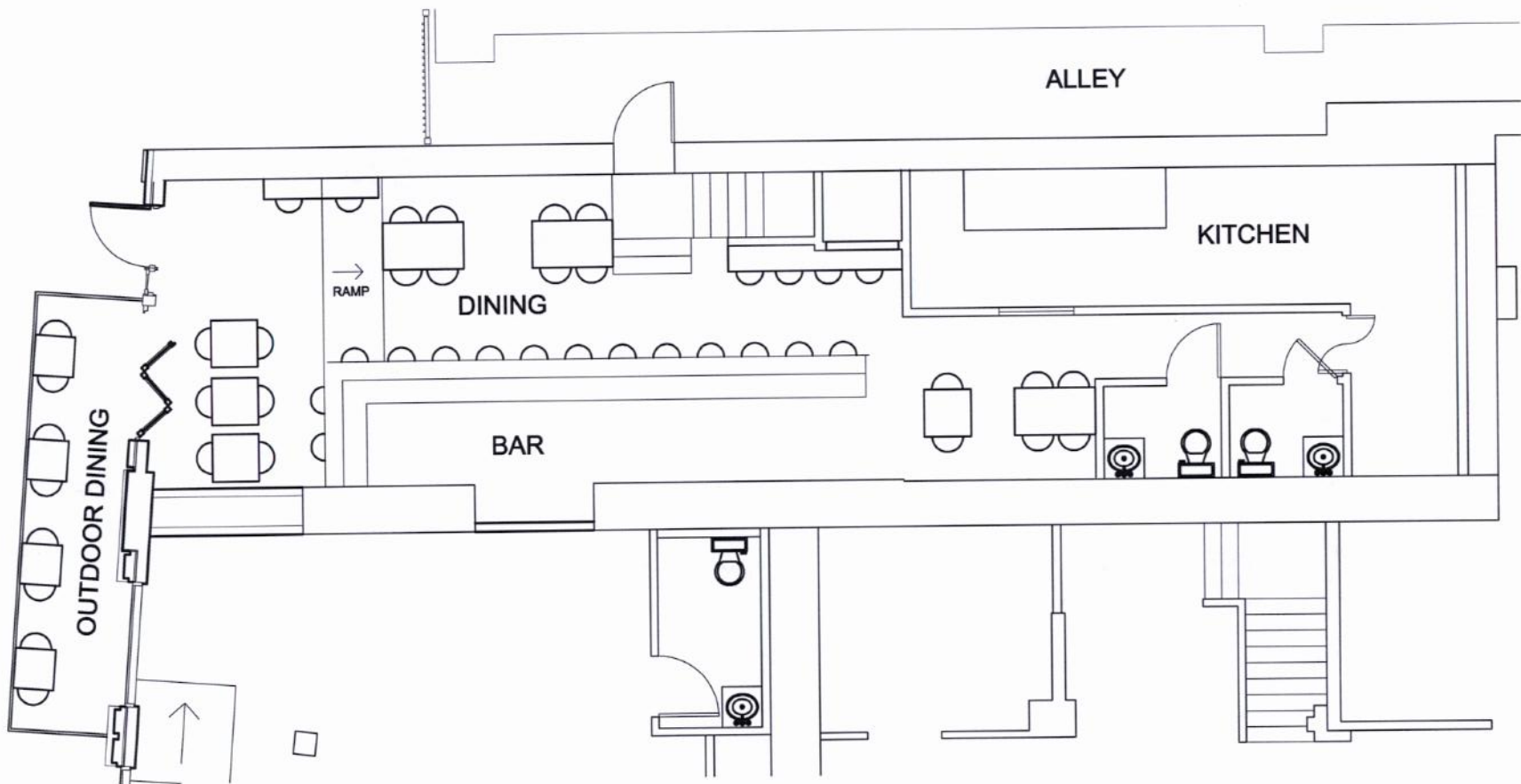
DEPARTMENT OF CITY PLANNING

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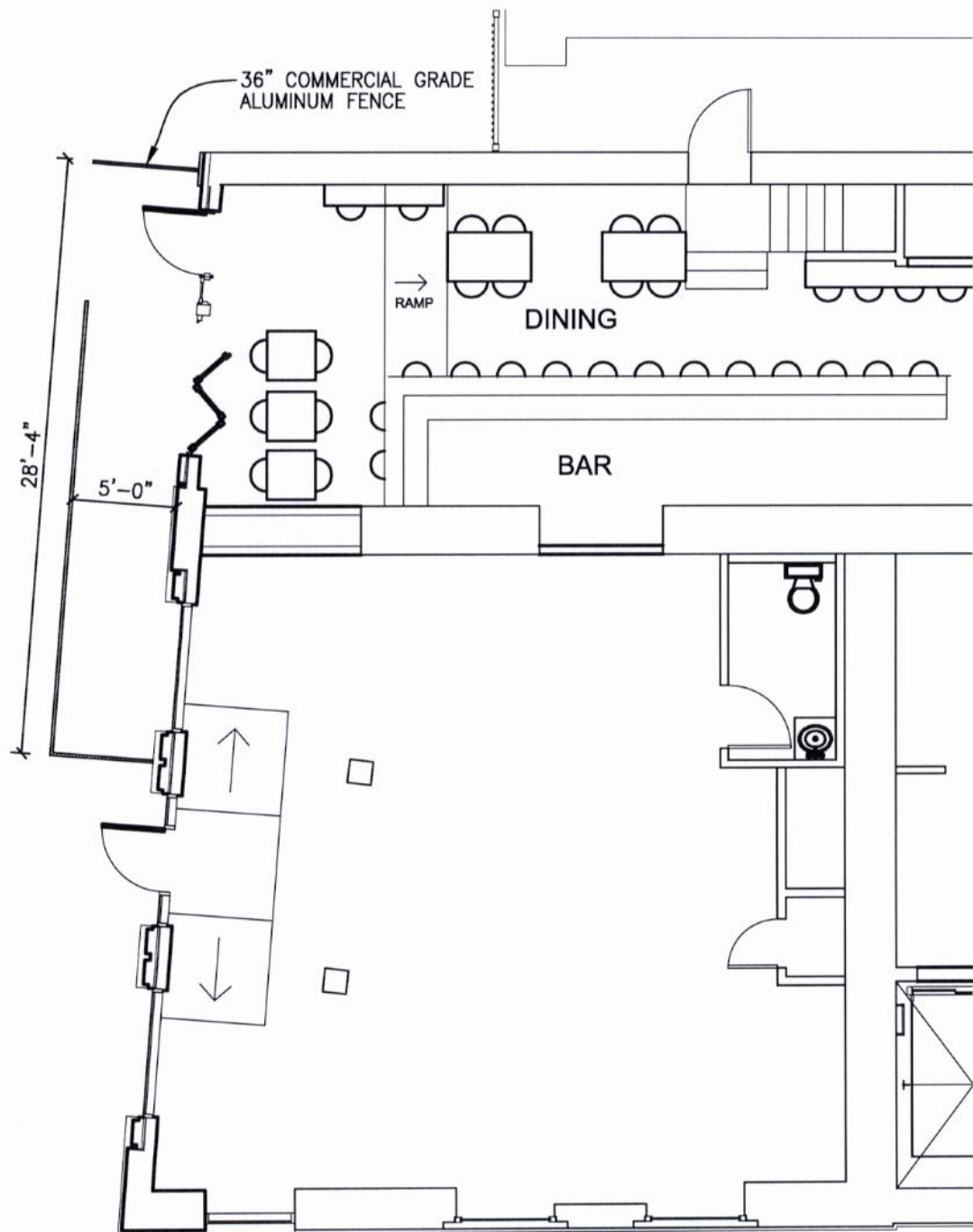
Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January 2015)



1 JACK BROWN'S BEER AND BURGER BAR SEATING PLAN
SCALE: 3/16"=1'-0"



1

PARTIAL FLOOR PLAN

1/8"=1'-0"



GENERAL NOTES:

1. THE PROPERTY SHOWN HEREON APPEARS TO FALL INSIDE ZONE X (SHADOWED AREAS OF 0.2% ANNUAL CHANCE FLOOD) AS SHOWN ON THE FLOOD INSURANCE RATE MAP (FIRM) FOR THE CITY OF NORFOLK, VIRGINIA, COMMUNITY PANEL NO. 510104 0100 F. MAP REVISED SEPTEMBER 2, 2009. FLOOD ZONE DETERMINATION IS BASED ON FIRM AND DOES NOT IMPLY THAT THIS PROPERTY WILL OR WILL NOT BE FREE FROM FLOODING OR DAMAGE. CONTACT THE LOCAL COMMUNITY FLOOD OFFICIAL TO OBTAIN THE ABOVE INFORMATION. FLOOD ZONE INFORMATION WAS OBTAINED FROM FIRM, FIRM, FIRM, BATHWATER, VIRGINIA, LTD., IS NOT A PARTY IN OBTAINING THE REQUIREMENTS FOR FLOOD INSURANCE ON THE PROPERTY SHOWN HEREON.
2. THIS SURVEY DOES NOT GUARANTEE THE EXISTENCE, SIZE OR HORIZONTAL LOCATION OF ANY UNDERGROUND UTILITIES. THE UNDERGROUND UTILITIES SHOWN ON THIS SURVEY WERE ESTABLISHED USING MAGNETIC GRADING STRUCTURES (MAGNETIC, MANHOLES, ETC.) AND AVAILABLE UTILITY MAPS OBTAINED FROM UTILITY COMPANIES AND LOCAL GOVERNMENTAL AGENCIES. NO GUARANTEE IS MADE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR REMOVED.
3. THIS PROPERTY IS DESIGNATED AS:
D.F.N.: 142705/0058
4. CURRENT OWNER(S): PLUME INVESTMENTS, LLC
5. SOURCE CREDIT(S): D.B., 3036, P. 365
6. PROPERTY IS ZONED: D-24 WITHIN DOWNTOWN HISTORIC OVERLAY DISTRICT (FROM CITY OF NORFOLK ZONING ORDINANCE)
SEC 9-2.2 PLAC REQUIREMENTS:
"Bulk regulations in the D-2 district include floor area ratio (FAR), building height, yard requirements, and lot coverage and required public open space. The FAR, yard and building height standards for the district are as follows:
(a) Floor area ratio: Five for all uses; maximum building permanent public open space included in gross lot area shall not exceed one hundred (100) feet.
(b) Maximum building height: None, except that height limits may be instituted to protect specific existing historic structures pursuant to the provisions set forth in section 9-2.3.
(c) Yard requirements: None, except building lot line on seventy-five (75) percent of street frontage along those segments of Main Street and Granby Street in the district.
(d) Maximum lot coverage by building: None"
7. THERE DO NOT APPEAR TO BE ANY STRIPPED PARKING SPACES ON THE SUBJECT PROPERTY.
8. TOTAL AREA: 5,658 SQ. FT. (0.130 AC.)

LEGAL DESCRIPTION FROM TITLE COMMITMENTS:

All that tract or parcel of land, with the buildings and improvements thereon and the appurtenances thereto appertaining, lying in the City of Norfolk, State of Virginia, more particularly described as follows:
Beginning at the Southeast intersection of Granby and Plume Streets and running thence southerly along Granby Street fifty-one and three tenths (51.31) feet, more or less, to the line of the property of David Lounsbury thence westerly parallel with Plume Street along said Lounsbury's line one hundred and nine and forty-five hundredths (109.945) feet, more or less, to the line of the property formerly belonging to Mr. M. Thompson thence northerly along the last named line fifty-one and three tenths (51.31) feet, more or less, to the South side of Plume Street, and thence easterly along Plume Street one hundred and eleven and seventy-four one hundredths (111.741) feet, more or less, to its intersection with the western line of Granby Street, the point of beginning.

It being the same property conveyed to Plume Investments, LLC by deed from Robert P. Stein and Joanne F. Stein dated May 28, 1998 and duly recorded June 1, 1998 in the aforesaid Clerk's Office in Deed Book 3036, at page 365.

REFERENCE IS MADE TO STEWART TITLE GUARANTY COMPANY

COMMITMENT FOR TITLE INSURANCE
FILE NO.: 140704-0058
ISSUE DATE: JULY 22, 2014
EFFECTIVE DATE: JULY 22, 2014 AT 8:00 A.M.
SCHEDULE A - PART II
THE ADDITION OF THE FOLLOWING, EXCEPT WHERE INDICATED BY BOLD PRINT, IS MADE EXPLICITLY FROM THE INDICATED TITLE COMMITMENT.

EXCEPTIONS:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the said records or arising subsequent to the Effective Date prior to the date the proposed Insured acquires for value of record the estate of interest or mortgage thereon covered by this Commitment.
(NO SURVEYABLE INTEREST)
2. Rights or claims of parties in possession not shown by the Public Records.
(NO SURVEYABLE INTEREST)
3. Easements, or parts of easements, not shown by the Public Records.
(NO SURVEYABLE INTEREST)
4. Encumbrances, overlaps, boundary line disputes, or other matters which could be disclosed by an accurate survey or inspection of the land.
(SEE SURVEY)
5. Any liens or rights to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
(NO SURVEYABLE INTEREST)
6. Taxes or special assessments which are not shown as existing liens by the Public Records.
(NO SURVEYABLE INTEREST)
7. Taxes for the first half of the fiscal year 2014/2015 and unpaid stormwater fees, which are liens not yet due and payable, and taxes and stormwater fees for all subsequent billing periods.
(NO SURVEYABLE INTEREST)
8. Rights of parties in possession under unrecorded leases.
(NO SURVEYABLE INTEREST)
9. Any discrepancies, conflicts, or shortages in area or boundary lines, or any encumbrances or any overlapping of improvements which a correct survey would show.
(SEE SURVEY)
10. Pending disbursement of the full proceeds of the loan secured by the Mortgage or Deed of Trust described in Schedule "A" hereof, this policy insures only to the extent of the amount actually disbursed. This policy insures against any loss or damage which might result from claims of mechanic's liens arising from nonpayment of bills for labor performed or material furnished prior to the date of the policy, except any such liens or claims thereof as may be recited under Schedule B hereof. At the time of each disbursement of proceeds of the loan, an endorsement to the policy must be secured increasing the amount insured hereunder up to the face amount of the policy, subject to the following requirements being met before issuance of such endorsement: that (a) the company is furnished evidence from the insured certifying that the disbursement has been made in good faith and without knowledge of any defect in, or objection to the title; (b) a title search by the Company reveals no liens, objections or any other adverse changes in the title; (c) the contractor and owner furnish this company satisfactory paid bills, lien waivers, or other evidence that all bills from such a lien right claim have been paid or otherwise satisfied; and (d) the Owner and Contractor form on the Company satisfactory Affidavit and Indemnity Agreement as to the matters referred to in (a) through (c) above.

This policy does not insure against mechanic's liens for labor performed and materials furnished subsequent to the last date to which mechanic's lien coverage has been extended; not does this policy guarantee completion of the improvement, its original, or their cost once with plans and specifications only. The company in no way guarantees the sufficiency of the mortgage proceeds as adequate to complete said improvements.

Notwithstanding any other language contained in the insuring provisions of this policy, the above provisions are the sole provisions applicable to the extension of coverage for loss or damage resulting from mechanic's liens on a lien of both liens not of record.
(NO SURVEYABLE INTEREST)

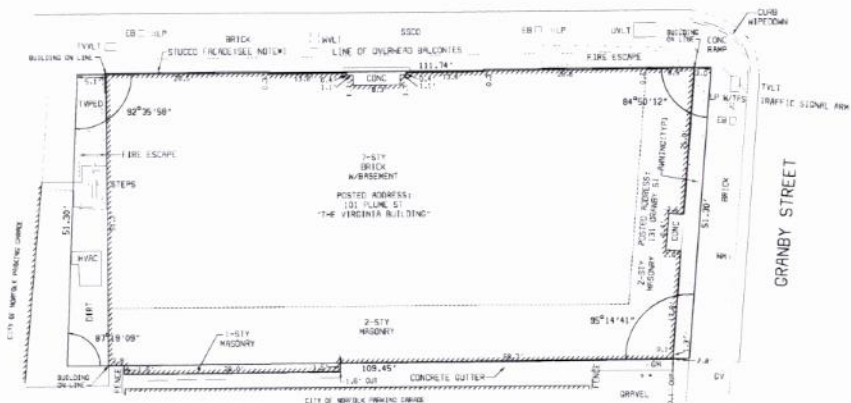
TO (31) GRANBY, LUCK PLUME INVESTMENTS, LLC AND STEWART TITLE GUARANTY COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, (DRAFT) ESTABLISHED AND ADOPTED BY ALTA AND ACSP, INC. INCLUDING ITEMS 1, 2, 3, 4, 6, 8, 9, 10, 11, 12, 13, 14, AND 15 OF TABLE "A" HEREOF. THE FIELD WORK WAS COMPLETED ON JULY 24, 2014.

BALDWIN & GREGG



PLUME STREET



NOTE:

STUCCO FENCE OVER BRICK BEGINS APPROXIMATELY 3' FROM GRADING AND PROTRUDES AN AVERAGE OF APPROXIMATELY 0.2' FROM BUILDING FACE.

ABBREVIATIONS:

CONC	CONCRETE
FB	ELECTRIC BOX
DN	DIS METER
DN	DIS VALVE
WRL	HEATING, VENTILATION, AIR CONDITIONING
LP	LIGHT POLE
SSCO	SEWERY SEWER CLEANOUT
STY	STORY
TS	TRAFFIC SIGNAL
TVL	TRAFFIC VALVE
TVPLD	TELEVISION PIEDISTAL
TVPLT	TELEVISION WALL
UNL	UTILITY VALVE
WM	WATER METER
WV	WATER VALVE



ALTA/ACSM LAND TITLE SURVEY
OF PROPERTY OF
PLUME INVESTMENTS, LLC
NORFOLK, VIRGINIA
131 GRANBY, LLC

SCALE: 1" = 10' JULY 25, 2014

BALDWIN & GREGG
EXCELLENCE IN SURVEYING SINCE 1908
200 OLDEN ROAD COURT, SUITE 200
VIRGINIA BEACH, VIRGINIA 23462-7000

SHEET 1 OF 1